

REMARKS

Claims 1-2 and 5-8 are pending in the present application. By this Amendment, claims 1, 6 and 8 have been amended. It is submitted that this Amendment is fully responsive to the Office Action dated October 12, 2010.

Claim Objection

Claim 1 is objected to as including informalities.

It is submitted that claim 1 as well as independent claims 6 and 8 have been amended for clarification. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. §103 as being unpatentable over Jacob (USP 4,974,969) in view of Teramachi (USP 4,629,337).

This rejection is respectfully traversed. With regard to the feature of independent claims 1, 6 and 8, “*the movable member is formed with a loaded rolling member rolling groove opposing to the rolling member rolling groove formed to the track member,*” the Examiner clearly acknowledges the drawbacks and deficiencies of Jacob, that is, Jacob does not disclose “*the movable member is formed with a loaded rolling member rolling groove opposing to the rolling member rolling groove formed to the track member*” (please see page 4, lines 5-7 of the Action). In fact, the guiding rail 2 of Jacob does not have any groove (please see Figs. 1 and 2).

However, the Examiner relies on Jacob with regard to the feature that a first row of the two rows of the loaded rolling member rolling grooves is positioned in vertical direction with respect to a second row of the two rows of the loaded rolling member rolling grooves. Applicants submit that, because the Examiner acknowledges that Jacob does not disclose the loaded rolling member rolling groove, it is unreasonable to take contradictory position that Jacob discloses that a first row of the two rows of the loaded rolling member rolling grooves is positioned in vertical direction with respect to a second row of the two rows of the loaded rolling member rolling grooves. Such position includes clear inconsistency.

The Examiner appears, by mistake, to misunderstand the claimed loaded rolling member rolling groove as the claimed rolling member rolling groove because the Examiner relies on Jacob regarding the claimed rolling member rolling groove (see page 3, lines 17-19). Because of the inconsistency discussed above, the rejection does not have a legitimate basis for establishing a prima facie case of obviousness. Accordingly, applicants respectfully request that the Examiner withdraws this rejection.

Claims 1, 2 and 6-8 are rejected under 35 U.S.C. §103 as being unpatentable over Nagai (US 2002/0144561) in view of Jacob.

This rejection is respectfully traversed. As shown in Figs. 1 and 2 of Jacob, the element 2 (called as “guiding rail”) appears to be a rail to be fixed to a base. Also, the element 1 (called as “ball circulation unit”) appears to be a sliding unit which moves along the rail 2. In this structure, the sliding unit 1 covers the outside of the rail 2. On the contrary, in the present claims 1, 6 and

8, a movable member disposed inside the track member to be movable along the track member. Therefore, the structure of Jacob is just opposite to the present claims.

In this regard, on page 7, lines 14-21 of the Action, the Examiner relies on Jacob and alleges that “Each of the extensions extending from the guide portion so as to cover the movable member.”

However, as discussed above, what Jacob discloses is opposite to the Examiner’s alleged structure. That is, the sliding unit 1 of Jacob covers the outside of the fixed rail 2. Accordingly, if the actuator of Nagai is modified by the disclosure of Jacob, the slider 18 of Fig. 3 of Nagai would be modified to cover the outside of the guide-equipped frame 12. Such modification would fail to disclose or suggest the claimed feature of “a movable member disposed inside the track member to be movable along the track member” as recited in claims 1, 6 and 8; “each of the extensions extending from the guide portion so as to cover the movable member” as recited in claim 1 and “an extension extending from the guide portion so as to cover the movable member” as recited in claim 8.

Accordingly, independent claims 1, 6 and 8 as well as their dependent claims patentably distinguish over the Examiner’s cited references for the reasons set forth above.

Claim 5 is rejected under 35 U.S.C. §103 as being unpatentable over Nagai in view of Jacob and further in view of JP61-29163.

This rejection is respectfully traversed. Claim 5 is dependent from claim 1 and recites the additional features set forth therein. Accordingly, claim 5 also patentably distinguishes over the Examiner's cited references at least by virtue of its dependency.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Tsuyoshi NAKAMURA/

Tsuyoshi Nakamura
Limited Recognition No. L0396
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TN/ya